

Message

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**From:** Hathaway, Margaret [Hathaway.Margaret@epa.gov]  
**Sent:** 10/30/2020 6:03:10 PM  
**To:** Echeverria, Marietta [Echeverria.Marietta@epa.gov]  
**CC:** Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Thanks Marietta. HB can regroup on Monday to work on the labelling issues you've cited.

I will continue focusing on the presentation materials and comment management today.

- Meg

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**From:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>  
**Sent:** Friday, October 30, 2020 1:55 PM  
**To:** Hathaway, Margaret <Hathaway.Margaret@epa.gov>  
**Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Yes, I just participated in a call with Alex and the AAPCO board and she was clear that going forward 24(c) is only appropriate for making the label more expansive and not for adding restrictions.

She also confirmed that we will do webinars so please continue to work on materials.

Three label issues that I have heard of:

- 1) BASF wants consistency with Bayer on R1 language (per BASF and Pat Jones)
- 2) Xtetendimax training requirement on the label is inconsistent (per BASF and Pat Jones)
- 3) RUP language regarding sale vs. use is inconsistent across labels (per Pat Jones)

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**From:** Hathaway, Margaret <Hathaway.Margaret@epa.gov>  
**Sent:** Friday, October 30, 2020 1:34 PM  
**To:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>  
**Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Hi Marietta:

Did you receive any IO guidance this morning on how to address 24c questions on dicamba?

- Meg

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**From:** Messina, Edward <Messina.Edward@epa.gov>  
**Sent:** Wednesday, October 28, 2020 5:48 PM  
**To:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>  
**Cc:** Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Just invited you.

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Ed Messina, Esq.  
Acting Office Director  
Office of Pesticide Programs  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
p: (703) 347-0209

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**From:** Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 5:41 PM  
**To:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>  
**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Can RD participate in the Friday meeting with OGC?

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**From:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 5:40 PM  
**To:** Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)>  
**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

Not discussed during the general today.  
A meeting is scheduled for Fri morning to discuss with OGC.

Michael L. Goodis, P.E.  
Acting Deputy Director for Programs  
Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
703-308-8157

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**From:** Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 5:26 PM  
**To:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>  
**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Subject:** FW: Press Inquiry - Dicamba - DDL 10/29 COB

Mike – did you get feedback from Alex at the general today? I recall that Dan R pulled information for you this morning to prepare for that discussion. thanks

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**From:** Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 5:23 PM  
**To:** Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)>  
**Cc:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>  
**Subject:** FW: Press Inquiry - Dicamba - DDL 10/29 COB

Here's the email chain on the 24c asks from the Progressive Farmer.

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**From:** Garrison, Scott <[Garrison.Scott@epa.gov](mailto:Garrison.Scott@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 11:54 AM  
**To:** Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>; Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Lara, Rhina <[Lara.Rhina@epa.gov](mailto:Lara.Rhina@epa.gov)>  
**Cc:** Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Knorr, Michele <[knorr.michele@epa.gov](mailto:knorr.michele@epa.gov)>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

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## Ex. 5 Deliberative Process (DP) / Attorney-Client

Scott Garrison  
Pesticides and Toxic Substances Law Office (2333A)  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-4047  
[garrison.scott@epa.gov](mailto:garrison.scott@epa.gov)

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**From:** Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 10:37 AM  
**To:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>; Lara, Rhina <[Lara.Rhina@epa.gov](mailto:Lara.Rhina@epa.gov)>  
**Cc:** Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Knorr, Michele <[knorr.michele@epa.gov](mailto:knorr.michele@epa.gov)>; Garrison, Scott <[Garrison.Scott@epa.gov](mailto:Garrison.Scott@epa.gov)>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

I agree OGC should be aware of this inquiry. Scott and Michelle, we've received a series of questions re. 24cs and the dicamba decision.

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**From:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 10:32 AM  
**To:** Lara, Rhina <[Lara.Rhina@epa.gov](mailto:Lara.Rhina@epa.gov)>; Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Cc:** Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>  
**Subject:** RE: Press Inquiry - Dicamba - DDL 10/29 COB

This is a tricky one. I'm looping in Dan R, because I think he's more up to date on the 24(c) issue. We will probably also need to loop in OGC (Michele Knorr).

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**From:** Lara, Rhina <[Lara.Rhina@epa.gov](mailto:Lara.Rhina@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 10:03 AM  
**To:** Hathaway, Margaret <[Hathaway.Margaret@epa.gov](mailto:Hathaway.Margaret@epa.gov)>  
**Cc:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>

**Subject:** Press Inquiry - Dicamba - DDL 10/29 COB

**Importance:** High

Hi Dan and Meg,

We got this one from Progressive Farmer. Unfortunately, I am not up to speed on where we left off regarding Section 24(c) (I know there were some updates recently), so I am sorry for not taking a crack at a response for these.

1. Does the Tuesday dicamba registration decision and announcement re: FIFRA Section 24(c) mark an official change in EPA's position on states' use of Section 24(c)? And if so, has EPA decided to skip the public comment period it committed to on this topic in the spring of 2019?
2. Will this stance on 24c (no state restrictions, only expansions) be applied by EPA uniformly to all future state SLN labels on all pesticides, beyond dicamba?
3. Has EPA's position on this been prompted or influenced by the EPA's Inspector General investigation into states' use of Section 24(c)?
4. Via AAPCO, state regulators have directly petitioned EPA not to take this stance on Section 24(c), which will greatly limit states' ability to react quickly to new dicamba labels, given the cumbersome and time-consuming process of state rulemaking permitted via 24(a). Did EPA consult with state regulators or inform them of this new stance (no restrictions via 24 (c)) before the dicamba decision? Because the state regulators I have spoken to seem taken completely off guard by this announcement by their federal co-regulators.

Best,

**Rhina M. Lara** (*she/her/hers*)

Communications Branch

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Phone: (202) 815- 5722